

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/917,880

purportedly containing subject matter not described in the specification. Applicant submits the following comments in traversal of the Section 112 rejections.

It was previously submitted that pages 29-31 of the specification describe in particular detail the measurements of the distance between the medium and the light source while the light source is moved. The Examiner maintains that it is not clear how measurement is determined during scanning and that it is not possible to obtain such measurements. Applicant submits the following arguments.

The specification indicates that with movement by one step during scanning, the relevant distance is measured in conjunction with a stepwise movement of the recording head containing the light source. (Pages 29-30). Under a broad construction of the phrase "while the light source is being moved", the movement of the light source occurring in increments corresponds to movement during scan. During this incremental-based scan, the incremental difference in distance between the medium and recording source is also incrementally measured. In this sense, the attainment of distance correction data occurs while the light source is being moved. Whether the measurement is performed manually or with an instrument is immaterial since one skilled in the art would understand how measurements during the course of movement are obtained. It is further noted that the determination of the distance can be determined by pre-measured and stored deviations Δz . Such stored data can also be attained during scanning to ascertain a distance between recording device and recording surface. See pages 37-38 and Fig. 6A.

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As an example of a distance measuring device, Applicant herewith submits U.S.P. 6,452,664. It is clear that other embodiments of distance measurement devices would also be appropriate and the implementation known to one skilled in the art. Applicant submits appropriate devices may include infrared-based distance detectors or other device using a form of reflective energy detection to determined distance.

In view of the above, Applicant submits that claims 1-19 are in condition for allowance. Therefore it is respectfully requested that the subject application be passed to issue at the earliest possible time. The Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

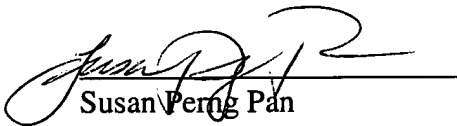
Respectfully submitted,

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